IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 31610 of 2006(K)

PETITIONER:

K.A. JENSON, GOVT.CONTRACTOR,
KIZHAKKEVEETTIL HOUSE, KANNAMALY P.O.,
KOCHI-8.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SMT.A.KUMARI MINI

RESPONDENTS:

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1. STATE OF KERALA, REP. BY ITS
SECRETARY TO GOVERNMENT, DEPT.OF WATER
RESOURCES, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SUPERINTENDING ENGINEER,
IRRIGATION CENTRAL CIRCLE, THRISSUR.

3. THE EXECUTIVE ENGINEER,
IRRIGATION DIVISION, ERNAKULAM.

BY G.P. SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 31610 OF 2006

Dated this the 29th day of November, 2006

JUDGMENT

Since this Court in similar cases has permitted adjustment from out of bills payable to the contractor towards EMD for fresh contracts, there will be direction to respondents 5 and 6 to transfer so much of the amount required from the bills passed and pending payment to the petitioner for appropriation towards EMD in fresh tenders submitted by the petitioner. As and when amounts are transferred, the amounts adjusted towards EMD should not be paid to the petitioner and payments should be made in accordance with new contract for which adjustment is made.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge